

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference JST-130-PCT	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/JP2005/003099	International filing date (<i>day/month/year</i>) 25.02.2005	Priority date (<i>day/month/year</i>) 05.03.2004	
International Patent Classification (IPC) or national classification and IPC H01L43/08, H01L43/10, G11B5/39, H01F10/18, G01R33/09			
Applicant NATIONAL INSTITUTE OF ADVANCED INDUSTRIAL SCIENCE AND TECHNOLOGY			

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:

- a. (*sent to the applicant and to the International Bureau*) a total of 2 sheets, as follows:
 - sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
 - sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
- b. (*sent to the International Bureau only*) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

- Box No. I Basis of the report
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

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International application No.
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Box No. I Basis of the report

1. With regard to the **language**, this report is based on:
 - the international application in the language in which it was filed
 - the translation of the international application into _____, which is the language of a translation furnished for the purposes of:
 - international search (Rule 12.3(a) and 23.1(b))
 - publication of the international application (Rule 12.4(a))
 - international preliminary examination (Rule 55.2(a) and/or 55.3(a))
2. With regard to the **elements** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):
 - the international application as originally filed/furnished
 - the description:

pages 1-11 as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____
 - the claims:

nos. 1, 2, 4-10 as originally filed/furnished

nos.* _____ as amended (together with any statement) under Article 19

nos.* 3 received by this Authority on 27.10.2005

nos.* _____ received by this Authority on _____
 - the drawings:

sheets fig. 1-11 as originally filed/furnished

sheets* _____ received by this Authority on _____

sheets* _____ received by this Authority on _____
 - a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. The amendments have resulted in the cancellation of:
 - the description, pages _____
 - the claims, nos. _____
 - the drawings, sheets/figs _____
 - the sequence listing (*specify*): _____
 - any table(s) related to sequence listing (*specify*): _____
4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
 - the description, pages _____
 - the claims, nos. 1 _____
 - the drawings, sheets/figs _____
 - the sequence listing (*specify*): _____
 - any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superceded."

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	8-10	YES
	Claims	1-7	NO
Inventive step (IS)	Claims		YES
	Claims	1-10	NO
Industrial applicability (IA)	Claims	1-10	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

Document 1: JP 2000-357828 A (Matsushita Electric Industrial Co., Ltd.), 26 December 2000,
entire text

Document 2: JP 2003-068983 A (Sharp Corp.), 07 March
2003, paragraph [0031]

The inventions set forth in claims 1 to 7 are disclosed in document 1 (in particular, refer to paragraphs [0007] to [0020] and [0085] to [0099]); therefore, the inventions in question lack novelty and do not involve an inventive step.

The inventions set forth in claims 8 to 10 do not involve an inventive step in the light of document 1 and document 2. Although document 1 does not specifically mention the pulse laser deposition technique, the pulse laser deposition technique is known to be one method for forming a colossal magnetoresistive material that has a Perovskite structure, as disclosed in document 2 (paragraph [0031]) for example. Such being the case, it would have been easy for a person skilled in the art to conceive of employing the pulse laser deposition technique that is disclosed in document 2 in the invention disclosed in document 1. Furthermore, the

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PCT/JP2005/003099**Box No. V** **Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

optimization of the film formation conditions and the like is merely an expression of the common creative abilities of a person skilled in the art.

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Supplemental Box**In case the space in any of the preceding boxes is not sufficient.**

Continuation of: Box I.4

The amendment to claim 1 that adds the equation " $x \neq x'$ " goes beyond the scope of the disclosure in the international application as originally filed.